

CLOSED

RECEIVED - CLERK
U.S. DISTRICT COURT

2008 MAY 15 P 12:14

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

LG ELECTRONICS U.S.A., INC.,
LG ELECTRONICS, INC., &
LG ELECTRONICS MONTERREY
MEXICO, S.A., DE, CV,

Plaintiffs,

v.

WHIRLPOOL CORPORATION,
WHIRLPOOL PATENTS COMPANY,
WHIRLPOOL MANUFACTURING
CORPORATION, & MAYTAG
CORPORATION,

Defendants.

Civil Action No. 08-1869 (FSH)(PS)

Hon. Faith S. Hochberg, U.S.D.J.
Hon. Patty Shwartz, U.S.M.J.

**STIPULATION AND ORDER
OF TRANSFER**

IT IS HEREBY STIPULATED AND AGREED by and between plaintiffs, LG Electronics U.S.A., Inc., LG Electronics, Inc. and LG Electronics Monterrey Mexico, S.A., DE, CV (collectively "the LG Plaintiffs"), and defendants, Whirlpool Corporation, Whirlpool Patents Company, Whirlpool Manufacturing Corporation and Maytag Corporation (collectively "the Whirlpool Defendants"), as follows:

1. On April 16, 2008, the LG Plaintiffs commenced this action ("the New Jersey action") with the filing of a complaint seeking a declaration of non-infringement, invalidity and unenforceability with respect to five patents held by the Whirlpool Defendants. The patents-at-issue are the same patents that the Whirlpool Defendants presented in a complaint in the

International Trade Commission (“ITC”) on January 23, 2008. The ITC does not provide for declaratory judgment relief of non-infringement, invalidity and unenforceability.

2. On April 24, 2008, plaintiffs LG Electronics, Inc. and LG Electronics USA, Inc. (collectively “LG”) commenced an action against defendant Whirlpool Corporation (“Whirlpool”) in the United States District Court for the District of Delaware, Civil Action No. 08-234 (“the Delaware action”), alleging infringement of three patents held by LG.

3. On May 1, 2008, the Whirlpool Defendants filed a counterclaim against the LG Plaintiffs in the Delaware action seeking a declaration of non-infringement, invalidity and unenforceability with respect to the three patents referenced in LG’s Delaware complaint and further alleging infringement by the LG Plaintiffs of three of the five patents that are the subject of the New Jersey action. The Whirlpool Defendants’ counterclaim (as amended) also alleges infringement by the LG Plaintiffs of three additional patents held by the Whirlpool Defendants.

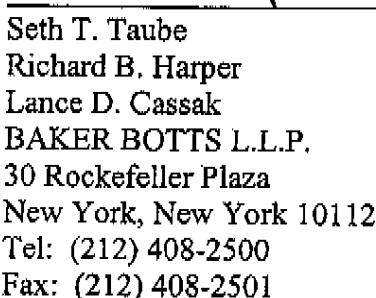
4. On May 1, 2008, the Whirlpool Defendants filed a motion in the New Jersey action seeking its transfer to the District of Delaware pursuant to 28 U.S.C. §1404(a) based, *inter alia*, on the current overlap between the issues raised in the two cases. After considering the issues raised by that motion and the present status of the cases between them, the LG Plaintiffs and the Whirlpool Defendants have conferred and are in agreement that an order may be entered by this Court effecting the transfer of the New Jersey action to the District of Delaware pursuant to the provisions of 28 U.S.C. §1404(a) and providing further that all motions and matters in the New Jersey action shall be held in abeyance, and all deadlines for responding shall be extended, pending the completion of the transfer to the District of Delaware, at which time the parties agree that a two-week response period for the Whirlpool Defendants’ two additional pending motions will be triggered.

Dated: May 14, 2008



Thomas R. Curtin
George C. Jones
Kathleen N. Fennelly
GRAHAM CURTIN
A Professional Association
4 Headquarters Plaza, P.O. Box 1991
Morristown, New Jersey 07962-1991
Tel: (973) 292-1700
Fax: (973) 292-1767

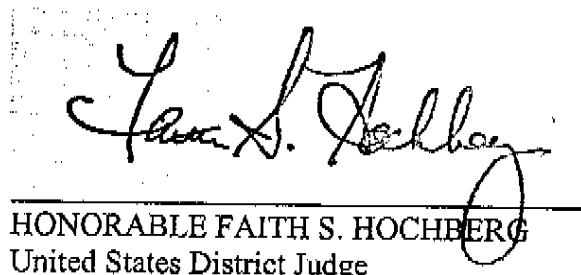
Attorneys for Plaintiffs
LG Electronics U.S.A., Inc.,
LG Electronics, Inc. and LG Electronics
Monterrey Mexico, S.A., DE, CV



Seth T. Taube
Richard B. Harper
Lance D. Cassak
BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, New York 10112
Tel: (212) 408-2500
Fax: (212) 408-2501

Attorneys for Defendants
Whirlpool Corp., Whirlpool Patents Co.,
Whirlpool Manufacturing Corp., and
Maytag Corp.

SO ORDERED this 19th day of May, 2008. The Clerk shall take all actions necessary to promptly effect the transfer of this action to the District of Delaware.



HONORABLE FAITH S. HOCHBERG
United States District Judge